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Situation of human rights in Burundi

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the interim report of the independent expert on the situation of human rights in Burundi, Akich Okola.

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Report of the independent expert on the situation of human rights in Burundi, Akich Okola

Summary

The report covers the independent expert's eighth visit to Burundi, which was undertaken from 20 to 26 May 2007. The independent expert notes that the overall human rights situation seems to have improved, although cases of human rights violations committed by military personnel continue to be reported. Most violations registered relate to cases of ill-treatment, and sometimes torture, of suspects by police officials and violations of legal procedure by police and judicial officials. These issues are addressed directly with the officials responsible, by United Nations Integrated Office in Burundi (BINUB) human rights officers in the context of monitoring activities and are considered in human rights training sessions provided by BINUB and human rights non-governmental organizations.

Tensions between the Government and the ruling party, the Conseil national de défense de la démocratie-Force de défense de la démocratie (CNDD-FDD) escalated at the beginning of 2007, reaching a critical point following the replacement of Hussein Radjabu as chairman of the ruling party, on 7 February and his arrest on 27 April 2007. The situation has had a negative impact on credibility with regard to the Government's ability to uphold human rights and is creating divisions within Burundian society that could represent a threat to the peace process and to the stability of the national institutions.

To address these various issues, the independent expert calls on the Government of Burundi to respect due process in the case of the former chairman of CNDD-FDD and release all the former chairman's supporters who are not involved in illegal activities. He also recommends that the international community support the Government in its efforts to reform the justice system and, more broadly, to increase its support for humanitarian and development assistance.

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I. Introduction

1. In his previous report to the General Assembly (A/61/360), the independent expert discussed his fifth visit to Burundi. He undertook his sixth and seventh visits to the country from 7 to 14 October 2006 and from 14 to 27 January 2007 and submitted his report thereon to the Human Rights Council at its fourth session (A/HRC/4/5). The present report is submitted pursuant to Human Rights Council resolution 5/1 of 18 June 2007 entitled "United Nations Human Rights Council: institution-building", in which the Council decided to renew mandates until the date on which they would be considered by the Council according to its programme of work. Subsequently, the independent expert on the situation of human rights in Burundi, Akich Okola, who has been responsible for this mandate since it was entrusted to him by the Commission on Human Rights in 2004, was requested to submit a report to the General Assembly at its sixty-second session.

2. The present report covers the independent expert's eighth visit to Burundi, which he undertook from 20 to 26 May 2007. It addresses the general situation in Burundi with a special focus on:

(a) The political situation, including the implementation of the comprehensive ceasefire agreement between the Government and the Forces nationales pour la libération (FNL-Palipehutu) on 7 September 2006;

(b) The arrest and detention of the former chairman of the ruling party, the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD), and of some of his supporters;

(c) Progress in the investigation into the killing of some 30 suspected rebels by military personnel in Muyinga between May and August 2006;

(d) The situation concerning economic, social and cultural rights, its impact on the life of people in Burundi and the Government's actions to overcome the current challenges.

3. The independent expert wishes to thank the Government of Burundi for its cooperation during his visit and, in particular, for allowing access to all officials he had expressed the wish to meet and to all institutions and places necessary for the discharge of his mandate. He also wishes to thank all his interlocutors and counterparts for their contribution to the success of his mission.

4. During his eighth visit, the independent expert met the Minister for Foreign Affairs and International Cooperation, the Minister for National Solidarity, Human Rights and Gender Issues, the Attorney-General and the Minister for Planning and Reconstruction. He also met the representative of the Observatoire de lutte contre la corruption et les malversations économiques (OLUCOME), the representative of the Observatoire de l'action gouvernementale (OAG), the Executive Representative of the Secretary-General for Burundi, the Representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and Director of the Human Rights and Justice Section of the United Nations Integrated Office in Burundi (BINUB), the Ambassador of Belgium, the Ambassador of the African Union and the European Commission Head of Delegation.

5. The independent expert visited the judicial police station in Bujumbura and interviewed a number of detained supporters of the former chairman of CNDD-

FDD. One of them claimed that he had been tortured by agents of the Service national des renseignements (SNR) while he was in detention. All the detainees had been arrested in connection with their alleged participation in meetings to destabilize institutions in Burundi.

6. In the present report, the independent expert briefly highlights the most significant events which occurred during the period from January to May 2007. He also sets out the human rights trends and violations in Burundi and submits to the General Assembly his recommendations for improving the human rights situation in the country.

II. Political context

7. The visit of the independent expert was undertaken while an international round table to support the implementation of the poverty reduction strategy paper (PRSP) was meeting. At the time of his visit, the political situation was unstable owing to divisions within the ruling party, which had had an impact on the human rights situation in Burundi. In addition, the implementation of the Ceasefire Agreement signed on 7 September 2006 between the Government and the Forces nationales pour la libération and its armed wing, the Parti national pour la libération du peuple hutu (FNL-Palipehutu) was stalled during the first three months of 2007. However, in April 2007, with the mediation of the African Union, the Joint Verification and Monitoring Mechanisms of the Ceasefire Agreement resumed work on the modalities of implementing its provisions on immunity and the release of political prisoners. The question of the list of names of "political prisoners" to be released by the Government remained unresolved, however, at the time of the independent expert's visit.

8. Moreover, the security situation had deteriorated in the provinces where FNL combatants are based, because of delays in the demobilization process. There were increasing reports in April of abuses by frustrated FNL combatants, including extortion of food and money, and the conduct of illegal law and order activities, such as punishment of civilians. It was reported that the police and administrative officials appeared reluctant to intervene or, in some cases, were complicit. Meanwhile, new recruitment by both factions of FNL-Palipehutu was reported in several provinces, usually targeting youth.

9. The replacement of Hussein Radjabu as leader of the ruling party, CNDD-FDD, has created divisions within the party itself and affected the stability of the institutions in Burundi. Several senior officials close to him were dismissed by the President of Burundi and some of his supporters were persecuted by the authorities.

10. During the period under review, several high-level personalities and delegations visited Burundi. The Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, visited Burundi from 10 to 13 March 2007. She was impressed by the encouraging situation of children in the country; however, she expressed concern at the high number of cases of sexual violence involving minors and deplored the implication of police and military officials in many of these cases. She insisted that impunity must be eradicated. She also deplored the recruitment of children by armed groups. Prior to this visit, the Government released 50 minors accused of association with armed groups.

11. From 28 to 31 March 2007, the Assistant Secretary-General for Peacebuilding Support visited Burundi to review with key stakeholders the situation with regard to the work of the Peacebuilding Commission and the Peacebuilding Fund. During her visit, she said that the Peacebuilding Fund should be used to strengthen the capacity of the Government and also underlined the need for transparency.

12. A delegation from the Peacebuilding Commission visited Burundi from 11 to 14 April 2007 to discuss progress towards peace consolidation and the Government's engagement to this end. The delegation held meetings with representatives of the Government, the United Nations, the diplomatic community and civil society. The Peacebuilding Commission subsequently pledged to continue its support for Burundi. It held an informal meeting on 27 April to discuss the Strategic Framework for Peacebuilding in Burundi prepared by the Government with the support of BINUB. Stakeholders in Burundi, including BINUB, the Minister for Good Governance and diplomats, participated in the meeting by means of videoconferencing. The participants reportedly welcomed the inclusive, broad, consultative process that had led to the drafting of the document and made recommendations for improvements before its final submission to the Peacebuilding Commission. The Executive Representative of the Secretary-General stressed that the most immediate peace consolidation priorities were the effective implementation of the Ceasefire Agreement between the Government and FNL, and the urgent need to reach a consensus on transitional justice mechanisms and to ensure progress towards national reconciliation.

13. From 19 to 23 May 2007, the United Nations High Commissioner for Human Rights conducted a five-day visit to Burundi. She expressed satisfaction at the positive meetings she held with various counterparts and, in particular, at the consensus reached with the Government on key issues relating to transitional justice mechanisms, but regretted the lack of political will to make public the findings of high-profile investigations such as those into the Gatumba massacre and the disappearances and summary executions in Muyinga.

III. Transitional justice mechanisms

14. During his visit in May 2007, the independent expert discussed the issue of transitional justice with Government officials. They informed him that a delegation from United Nations Headquarters and OHCHR had visited Burundi from 5 to 9 March 2007 to clarify the nature of the national consultations process; the principles of non-immunity or amnesty for genocide, war crimes and crimes against humanity; and the neutrality and independence of the transitional justice mechanisms.

15. The independent expert was informed that the United Nations and the Government of Burundi had failed to reach complete agreement on the three outstanding issues mentioned above. However, it seemed that a common understanding had at least been reached on the national consultations. The Government, the civil society and the United Nations would establish an independent, impartial and all-inclusive body, on which they would all be represented and which would lead the national consultations process. This body would take into account the views of all transitional justice stakeholders, in particular victims, survivors and other vulnerable groups, as well as civil society at large.

16. On the amnesty issue, it was reported that the Government had committed itself to the principle, but had eventually refused to accept clearly the notion that amnesty previously granted should not be a bar to prosecution. It argued that no amnesty had ever been given by the Government. The fact remains, however, that "provisional immunity" (a Burundian term), which may have the same effect as amnesty, has been accorded by the Government of Burundi to all armed groups joining the peace process since 2003.

17. Furthermore, the United Nations considers that the two transitional justice mechanisms, the truth and reconciliation commission and the special tribunal, should be independent of each other, but should operate in complementarity and with respect for each other's mandate, legal status, powers and competencies. The Government's concept of the relationship between the two was that of interdependency, whereby the prosecutor of the special tribunal could initiate investigations and prosecutions only on the basis of truth and reconciliation commission reports. The idea that the prosecutor would be free to initiate the legal process on the basis of information received from other sources, or propio motu, was unacceptable to the Government.

18. However, the High Commissioner for Human Rights reached a verbal agreement with the Government that the national consultations process would be led by a steering committee composed of a representative of the Government, a representative of the United Nations and a representative of the civil society. The President of Burundi also confirmed to the High Commissioner that there would be no amnesty for major crimes committed during the conflict. The next step would be for the Government and the United Nations to establish the time frame for the implementation of this agreement. The question of the relationship between the truth and reconciliation commission and the special tribunal has yet to be resolved.

IV. Human rights situation

19. Despite the persistence of serious violations, the overall human rights situation seems to have improved. Few human rights violations have been committed by military personnel. Most violations registered relate to cases of ill-treatment, and sometimes torture, of suspects by police officers and violations of legal procedure by the police and by judicial officials. These issues are addressed directly with the officials responsible by the BINUB human rights officers in the context of human rights monitoring and training activities carried out by BINUB and by human rights NGOs.

20. The independent expert noted that supporters of the former chairman of CNDD-FDD were the main targets of violations of freedom of expression and, to some extent, freedom of movement, and torture during the reporting period. This situation needs to be addressed properly in order to ensure respect of the law.

21. Overall, there have been some positive changes in the attitude of the Government, evidenced by public statements in support of human rights. Since the beginning of 2007, the President has taken steps to approach various sectors of civil society, including the media and human rights non-governmental organizations (NGOs), acknowledging the important role they play in promoting respect for the rule of law and democracy. It is reported that the President paid surprise visits to the headquarters of three national human rights organizations in Bujumbura. He met

with staff and praised their work, which he acknowledged was accomplished with limited resources, and gave assurances of the Government's support.

A. Major human rights violations and abuses

1. Violations of the right to life

22. There has been an improvement concerning respect for the right to life since the signature of the Ceasefire Agreement on 7 September 2006 between the Government and FNL-Palipehutu. Nevertheless, isolated cases of violations persist. The period under review was marked by some killings committed by the police and military forces.

23. On 6 February 2007, a group of inmates tried to escape from Rumonge prison, in the province of Bururi. Police officers, who were on duty, opened fire on the inmates. According to information provided by witnesses, two inmates were killed after being captured by the police. However, the independent expert could not verify the information at the time of his visit.

24. Another case is related to the apparent excessive use of force against five men who were shot dead as they reportedly tried to rob a factory in the Buyenzi district of Bujumbura on the evening of 27 March 2007. According to information received, the men were killed by a group of policemen sent to prevent the robbery. After investigations, NGOs and the Human Rights and Justice Section of BINUB found indications that the police had used excessive force to neutralize the alleged thieves. Reportedly, no official investigation was conducted to clarify the circumstances of the killings. The independent expert believes that the authorities must open an investigation to verify if the police used excessive force during this intervention.

2. Violations of the right to physical integrity

25. Respect for the right to physical integrity improved slightly during the period under review. This might be the result of intensive advocacy and training organized by human rights NGOs and BINUB. During his visit, the independent expert was told that this training targeted law enforcement personnel and administrators who had allegedly been involved in the physical abuse of suspects. However, allegations of ill-treatment committed by the security forces and intelligence service personnel at some locations continued to be received. The examples given below illustrate the situation.

26. On 13 February 2007, a policeman from Socarti camp, in the Kamenge district of Bujumbura, arrested a young boy on suspicion of consuming narcotics. The police officer brought the young boy to a police station at Gihosha, in Bujumbura Mairie. The same day, a group of young boys came to see the police officer to discuss the arrest of their friend. According to reports, they claimed that the arrested boy was innocent. Irritated, the policeman loaded his rifle and shot in the air. The group of young boys ran away. It is reported that the policeman pursued and shot two of them. At the time of the visit of the independent expert, the policeman was being detained by the authorities in Bujumbura.

27. On 11 February 2007, six policemen of the Internal Security Police severely beat the owner of a bar and his brother. It is reported that both victims were injured on the forehead and arms. With the help of a human rights NGO, the victims

brought the case to the office of the prosecutor of the province of Gitega. It is reported that an investigation was opened by judicial authorities.

28. Another case concerned a primary school teacher and member of the human rights NGO Ligue Iteka in the province of Mwaro, who was beaten by the local police chief on 23 February 2007 and kept at the police station in the commune of Kayokwe. According to information provided to the independent expert, the teacher was arrested after he intervened to prevent the local police chief from assaulting the owner of a local bar. The chief of the local police, who was not happy with this action, arrested him. He was released after the administrator of the commune intervened.

3. Arbitrary and illegal arrests and detentions

29. Arbitrary arrests increased over the reporting period. They included cases of prolonged stay in police custody, detention in illegal places and lengthy pre-trial detention. Cases observed by human rights monitors included detention for minor charges on instruction from administrative authorities, mostly commune administrators and chiefs of zones and collines.[1] These violations increased in April and May 2007 after the arrest and detention of the former CNDD-FDD party chairman, Hussein Radjabu, on charges of threatening State security. He was briefly questioned by judicial officials and taken to Mpimba prison in the capital on 27 April 2007, where he was still being held, in isolation, at the end of the reporting period. Following his detention, several of his supporters were targeted by police officers and intelligence officials and were subject to harassment, ill-treatment, house searches and arbitrary arrest.

30. After the replacement of the former chairman of CNDD-FDD, some members of this political party were arrested by the authorities. In this context, the representative of CNDD-FDD in the province of Muyinga was arrested and jailed on 21 March 2007. He was accused of inciting the population, demobilized soldiers and military officers to support the former chairman of CNDD-FDD. According to information received, he was arrested because he had not participated in the extraordinary congress held in Ngozi on 7 February 2007. Moreover, it was also reported that five CNDD-FDD parliamentarians were harassed by the authorities for not agreeing with the conclusions of the Ngozi congress.

31. In April 2007, it was reported that the authorities had arrested more than 25 people on charges of threatening State security. They were all members of CNDD-FDD and supporters of Hussein Radjabu. Some of them were allegedly tortured during questioning at the headquarters of the Service national de renseignement (SNR) in Bujumbura. The independent expert visited a group held at a police station in Bujumbura and interviewed a man who claimed that he had been tortured during the interrogation process. The man presented physical evidence of severe ill-treatment. He was reportedly beaten with a stick at the SNR office in Bujumbura.

32. Furthermore, in April 2007, human rights monitors from BINUB interviewed several persons who said that they had been summoned by the SNR General Administrator. In each case, they stated that they had been questioned about activities allegedly conducted to support Hussein Radjabu or to attack those who did

[1] These are the lowest administrative divisions in Burundi.

not support him. In three reported cases, the individuals were allegedly subjected to serious ill-treatment in the presence or on the orders of the General Administrator. It should be recalled that the General Administrator of SNR is known to have become increasingly hostile to Mr. Radjabu. Those targeted include demobilized former CNDD-FDD combatants who had worked as informants when Mr. Radjabu was pursuing a campaign against FNL. The Human Rights and Justice Section of BINUB addressed its concerns at the reports of abuses to senior members of this institution and to judicial officials.

33. In another development, SNR intelligence agents arrested the FNL leader, Jean Bosco Sindayigaya, and one of his collaborators in Bujumbura on 31 May 2007 and repeatedly questioned them on their relations with Mr. Radjabu. The police arrested two other individuals in separate operations on charges of having participated in meetings to plan a rebellion with the former CNDD-FDD party chairman. The accusations are said to have been orchestrated by senior CNDD-FDD party members in order to collect evidence in the case against the detained former chairman of the party and to intimidate all those who do not align themselves with the Government wing of CNDD-FDD.

34. The independent expert is very concerned about the increasing incidence of illegal detention and the lack of respect for the law during arrests and detention during the reporting period and about the allegations of torture or ill-treatment of persons accused of supporting Mr. Radjabu or of holding "subversive" meetings. He notes that many of the supporters of the former chairman of the ruling party who were arrested by the police spent more time in detention than required by the law before the hearing in court.

4. Forced labour

35. As mentioned in his previous report, submitted to the Human Rights Council in March 2007 (A/HRC/4/5), the independent expert noted persistent trends of forced labour in Makamba, Bururi and Bujumbura Rural provinces. This might be explained by the presence of police and military positions to counter the FNL rebel movement in these areas. Police and military personnel reportedly compelled the populations of these provinces to look for firewood, water or supplies for them. Some local authorities continued to claim that those tasks were communal. Sometimes, the police used excessive force against the population. According to reports, those who resisted were threatened and ill-treated.

5. Sexual violence

36. More than 300 cases of rape of women and minors in all provinces of Burundi were reported during the first five months of 2007, according to reports from NGOs and the Human Rights and Justice Section of BINUB. The western provinces were the most affected by this phenomenon, because of the presence of law enforcement personnel and members of FNL. This figure reflects a steady increase in the number of cases reported, compared to the last five months of 2006. Despite some modest progress as a result of awareness campaigns by the Government, human rights NGOs and BINUB human rights officers, some of the victims remain silent. Furthermore, some administrative authorities and community elders (Bashingantahe) continue to recommend out-of-court settlements as a preferred option. In most cases the victims have received the necessary medical care in due

time, often through the assistance of specialized NGOs, but impunity for the perpetrators of such crimes remains the norm.

B. Impunity

37. The Government has made a little progress in bringing to justice civilians and lower-level law enforcement personnel involved in illegal activities. However, the alleged perpetrators of the Muyinga massacre[2] are still unpunished. The Government set up a judicial commission of investigation into this massacre in October 2006. The independent expert learned that the report of the commission was submitted to the Minister of Justice in December 2006. It seems that this report indicated that the commander of the fourth military region and the provincial chief of SNR must be held accountable. The independent expert learned from NGOs that the implementation of the report of the commission had been opposed by members of the Government.

38. In January 2007, the Government set up a second commission, which interviewed several key people allegedly implicated in the summary executions or the disappearances. Among the interviewees were the regional commander of the fourth military region, the former governor of Muyinga, the former provincial chief of SNR and the two military officers who had been arrested in September 2006 in connection with the massacre. The commission also interviewed an SNR driver. The soldiers and the driver reportedly admitted having transported the persons who disappeared and claimed to have been acting on the orders of their superiors. The SNR chief reportedly told the commission that he had acted on orders given by the former provincial governor. The commander of the fourth military region, questioned on 17 February 2007, reportedly tried to bribe the soldiers who could implicate him by promising that they would be among African Union troops that Burundi would send to any future peacekeeping operations.

39. In May 2007, the second commission handed over its report to the prosecutor. The latter publicly announced that none of the civilians implicated in the alleged summary execution of some 30 individuals in Muyinga between May and August 2006 would be prosecuted and passed the dossier to the Military Prosecutor's office for prosecution of the military personnel implicated. The human rights community was concerned that the decision appeared to have been taken in order to avoid implicating senior political figures. Following the prosecutor's decision, the provincial chief of the intelligence service, arrested in September 2006, was released in May 2007 and returned to Muyinga.

40. The independent expert expressed great concern regarding the lack of political will to bring to justice all those who participated in this massacre. Instead, there appears to be an attempt by the Government to wish away the truth. The Muyinga prosecutor in charge of this case was transferred and it is suspected that his transfer was the result of the Government's displeasure with his role in the investigation. According to information received, the reports of the two commissions confirmed that civilian authorities and military personnel were implicated in this issue. The independent expert found it difficult to understand why the prosecutor had decided

[2] Between May and August 2006, about 30 people were arrested, disappeared or were summarily executed in Muyinga.

that no action should be taken against civilians suspected to have been involved in this affair.

C. Judicial reform

41. As mentioned in the independent expert's previous reports (E/CN.4/2006/109, para. 68; A/61/360, paras. 86-93; A/HRC/4/5, para. 39), the administration of justice needs to be reformed in accordance with the provisions of the Arusha Agreement. The justice system is still weak owing to lack of equipment, poor training of staff, interference by politicians and corruption. Consequently, the population has largely lost faith in the system, leading to mob justice. For example, 30 persons suspected of witchcraft or rape were reportedly mobbed, and some killed, during the reporting period in Muramvya, Mwaro, Bubanza Karuzi, Muyinga, Ngozi, Kayanza, Gitega, Bujumbura Mairie and Bujumbura Rural provinces.

42. Detention centres throughout the country were regularly visited by human rights monitors, who observed that registers were not properly maintained. They documented cases of arbitrary detention and of failure to follow proper procedures. In addition, they found that hygiene conditions were substandard.

43. The continuing illegal arrests and detention, detention for civil matters, mixing of minors and adults in prison facilities, poor sanitation and delays regarding pre-trial detention remain matters of great concern. The Human Rights and Justice Section of BINUB and human rights NGOs continued to follow the situation throughout the country.

44. Revision of the Code of Criminal Procedure was started in March 2007 with the aim of bringing it into line with international human rights standards and in order to reflect the changes in the revised version of the Penal Code that is awaiting approval by the National Assembly. Both projects were funded by OHCHR. Representatives of the United Nations Children's Fund, the United Nations Fund for Women, the International Committee of the Red Cross and national and international human rights organizations participated in proofreading the revised version of the Code of Criminal Procedure. The Government told the independent expert that the revised Code includes provisions pertaining to the treatment of minors, both those in conflict with the law and victims and witnesses. It also provides for greater supervision of preventive detention by magistrates, rather than by the police, as is currently the case, and reduces the time suspects can be held in police detention (currently two weeks).

D. Poverty

45. During the period under review, the Government of Burundi organized a round-table conference at which donors pledged to fund the priority action programme for the implementation of the poverty reduction strategy paper 2007-2010. It is part of the public policies of the Government to accelerate the transformation of the economy and to facilitate national reconciliation. The priority action programme was presented to donors as an operational framework for the poverty reduction strategy paper which was adopted by the Parliament and the Government in 2006 and endorsed by the International Monetary Fund and the World Bank on 9 March and 13 March 2007 respectively. The aim of this

programme is to undertake development activities effectively in order to bring the country out of the circle of humanitarian assistance. The donors responded positively by pledging US$ 650 million.

46. The independent expert, who participated in the donor conference, commended the Government of Burundi for making this event successful and thanked the donor community for their commitment to helping Burundi. However, he regretted that the poverty reduction strategy paper ignores the question of runaway population growth in Burundi, which threatens not only to wipe out any gains the programme may yield, but also to create serious social problems.

47. Some NGOs that are active in the area of economic and social rights expressed deep concern about the lack of transparency in the coordination mechanism that would be put in place to ensure that aid is appropriately used for the needs of the population. The independent expert believes that such a coordination mechanism should include members of civil society as well as the international community in order to guarantee the credibility of the process and the adequate implementation of the poverty reduction strategy paper.

48. In another development, the situation of food security worsened during the first five months of 2007 as a result of unusually heavy rains, which destroyed crops and houses in many parts of the country. Some schools were destroyed by the heavy rain in western Burundi. The international community must not forget Burundi in terms of humanitarian assistance until the country has totally recovered from hunger. It would be a premature decision if the humanitarian community decided to decrease its assistance. At the same time, the Government must demonstrate its readiness to take over the valuable work that has been contributed by the humanitarian community.

49. Concerns were raised again regarding a general trend towards corruption and embezzlement, with scandals sometimes implicating high-ranking officials within the Government and the ruling party. Frequent strikes and the growing discontent of civil servants were often motivated by widespread poverty. While the Government should be commended for setting up an anti-corruption court, more action needs to be undertaken in order to demonstrate political will to fight corruption.

E. Activities of the human rights community

50. During his latest visit, the independent expert was informed that the Government of Burundi and the Human Rights and Justice Section of BINUB had embarked on various consultations to put in place an independent human rights commission. This process has drawn broad national support from all sectors in Burundi. In this regard, four seminars were conducted with representatives of civil society and the media as part of a programme of activities launched by the President in December 2006 in support of the establishment of the commission.

51. BINUB, in collaboration with the Ministry of National Solidarity, Human Rights and Gender Issues, organized a seminar on the different types of human rights violations and violations of international humanitarian law and how they can be addressed. Many recommendations were made by participants, including recommendations for the establishment of a school for military personnel and the integration of human rights into school curricula. Participants also underlined the

importance of ensuring the separation of powers and the independence of the judicial system.

52. The independent expert noted the frank and effective collaboration between the United Nations and civil society in Burundi. During the round table, at the request of the chief of the delegation of Norway, the Human Rights and Justice Section of BINUB and NGOs organized a briefing for the diplomatic corps on concerns relating to justice and impunity in Burundi.

53. Training sessions for law enforcement agents country-wide are continuing, with a focus on the legal human rights framework, human rights investigations and the protection of vulnerable groups. Another training of trainers course was organized for 24 judicial police officers in Bujumbura, with the aim of providing the officers with a greater understanding of human rights principles relating to law enforcement and of ethical conduct in the application of the law. The police officers requested further training relevant to other aspects of their work.

54. The Human Rights and Justice Section of BINUB continued to organize a weekly open debate with representatives of the media, members of the civil society, administrative officials and members of the judiciary during the reporting period. Tools to assist in creating human rights awareness were produced for dissemination in Burundi, including a booklet in the Kirundi language about the Universal Declaration of Human Rights.

V. Conclusions and recommendations

To the Government of Burundi

55. **The independent expert welcomes the commitment of the President of Burundi not to grant amnesty for major crimes committed during the conflict and urges the Government to speed up the process of establishing transitional justice mechanisms in fulfilment of its international undertakings to this end.**

56. **The independent expert is concerned about the failure of the Government to prosecute individuals involved in the Muyinga massacre and encourages the authorities to bring to justice those found responsible.**

57. **The independent expert calls upon the Burundian authorities to investigate incidents of sexual violence fully and bring to justice those who committed such crimes.**

58. **The independent expert notes that since he submitted his previous report no significant progress has been made in terms of implementing the provisions of the Ceasefire Agreement signed on 7 September 2006. He calls upon the Government and FNL-Palipehutu to implement the Ceasefire Agreement.**

59. **The independent expert urges the Government to respect due process in the case of the former chairman of CNDD-FDD and take measures to prevent harassment of his supporters. He encourages the Government to release those who have not been involved in illegal activities.**

60. **The independent expert notes that since he submitted his previous report no progress has been made by the Government of Burundi in concluding its investigations into the Gatumba massacre and bringing the perpetrators to**

justice. He reiterates his concern to the Government of Burundi and the international community on this matter.

To the international community

61. **The independent expert encourages the international community to increase its support for the reform of the justice system, in particular regarding the establishment of transitional justice mechanisms, including a truth and justice commission and a special tribunal.**

62. **The independent expert urges the international community to press the Government of Burundi to complete the investigation into the Gatumba and Muyinga massacres and to prosecute the perpetrators.**

63. **The independent expert encourages the Peacebuilding Commission to continue supporting the Government of Burundi by disbursing the necessary funds for the implementation of the development plan for 2007-2008.**

64. **The independent expert commends the international community, particularly the Regional Initiative on Burundi, the Security Council, the African Union and the Executive Representative of the Secretary-General, for their efforts in assisting Burundi to attain and consolidate peace.**

65. **The independent expert commends the international community for the pledges made at the donor's conference on 23 and 24 May 2007. He urges the community of donors to release the funds pledged at the Paris, Geneva and Brussels conferences, and recommends that the international community support the efforts of the Government of Burundi to encourage respect for and the promotion of human rights, and to secure lasting peace.**

66. **The independent expert calls upon the international community to increase its humanitarian and development assistance to Burundi, in particular in order to address the famine crisis in the northern part of the country, and to support the programmes of the poverty reduction strategy paper.**